

## Message Text

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43

ORIGIN EUR-12

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DRAFTED BY EUR/WE:REBARBOUR:VE  
APPROVED BY EUR/WE:REBARBOUR  
JUSTICE: T.BERNSTEIN

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P 071846Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE PRIORITY

UNCLAS STATE 106391

E.O. 11652: N/A

TAGS: EIND, EFIN, NL

SUBJECT: ANTITRUST SUIT AGAINST AKZO CHEMIE

REF: THE HAGUE 1933

1. ANTITRUST DIVISION HAS FURTHER QUESTIONS RE REFTEL. WAS  
AKZO CHEMIE N.V. DISSOLVED AND, IF SO, ON WHAT DATE?

2. IF IT WAS DISSOLVED, DOES DUTCH CORPORATE LAW PROVIDE  
THAT UPON DISSOLUTION OF AN N.V. CORPORATION: A) THE DIS-  
SOLVED CORPORATION CONTINUES IN EXISTENCE FOR THE PURPOSE  
OF PAYING DEBTS? (PLEASE GIVE ENGLISH TEXT OF 6AW AND  
OFFICIAL CITATION) B) THAT DISSOLUTION DOES NOT ABATE ANY  
PENDING SUIT? (PLEASE GIVE ENGLISH TEXT OF LAW AND  
OFFICIAL CITATION) C) THAT A SUIT CAN BE COMMENCED AGAINST  
THE DISSOLVED CORPORATION WITHIN A SPECIFIED TIME AFTER  
DISSOLUTION AND, IF SO, WHAT TIME LIMIT? (PLEASE GIVE  
ENGLISH TEXT OF LAW AND OFFICIAL CITATION)

3. IF AKZO CHEMIE N.V. WAS NOT DISSOLVED, HOW WAS IT RE-  
ORGANIZED INTO AKZO-NEDERLAND B.V.? BY AMENDMENT OF THE  
ARTICLES OF INCORPORATION? IF SO, PLEASE SUPPLY AMEND-  
MENTS.

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4. RE ITEM 4(D) REFTEL, DID AKZO NEDERLAND B.V. EXPRESSLY ASSUME ANY LIABILITIES OF AKZO CHEMIE N.V. AND, IF SO, WHAT LIABILITIES? IN WHAT DOCUMENTS WAS THIS ASSUMPTION STATED, AND WHAT IS ENGLISH TEXT OF THIS ASSUMPTION?

5. DID EITHER AKZO NEDERLAND B.V. OR AKZO CHEMIE N.V. ESTABLISH AN ESCROW ACCOUNT OR OTHER TRUST OR ARRANGEMENT IN ORDER TO PAY OUT FOR LIABILITIES INCURRED BY AKZO CHEMIE N.V. AND, IF SO, DESCRIBE THE TERMS AND LIFE OF SUCH ARRANGEMENT.

6. RE ITEM 6 REFTEL, WHAT IS THE TEXT OF THE DUTCH LAW AND THE OFFICIAL CITATION? KISSINGER

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## Message Attributes

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